

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Anthony Mayer,	)	
	)	
	)	
<i>Plaintiff,</i>	)	
	)	
-vs-	)	No. 18-cv-8359
	)	
Thomas Dart, Sheriff of Cook County	)	Judge Chang
and Cook County, Illinois,	)	
	)	Magistrate Judge Cox
<i>Defendants.</i>	)	
	)	

**AMENDED COMPLAINT**

Plaintiff Anthony Mayer, by counsel and pursuant to leave of Court, alleges as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. § 1343.
2. Plaintiff Anthony Mayer is an inmate at the Cook County Jail assigned booking number 2018-0626112.
3. Defendant Sheriff of Cook County is sued in his official capacity. Under Illinois law, the Cook County Sheriff operates the Cook County Jail.
4. Defendants Sheriff of Cook County and Cook County are responsible for the medical needs of detainees at the Cook County Jail.
5. Defendant Cook County controls the budget for the Cook County Jail, provides dental services for persons in the custody of the Jail, and is a necessary party to this action.

6. Inmates at the Jail, pursuant to policy, are informed to submit a health service request form to seek dental treatment. All dental health service request forms are forwarded to a dental clinic for the dental assistant to schedule all treatment.

7. On September 16, 2017, Cook County collected a health service request form from the plaintiff complaining of a painful toothache.

8. Plaintiff was seen by Dr. Thomas Prozorovsky on December 14, 2017. During this evaluation, Dr. Prozorovsky documented that plaintiff had carries on tooth #18 and that he would return to the clinic for a filling. The follow up appointment to fill tooth #18 was cancelled by the dental assistant because the clinic was "Double Booked" on December 27, 2019.

9. Plaintiff remained at the Jail until January 12, 2018 and did not return to a dental clinic for treatment.

10. Plaintiff returned to the Jail on June 26, 2018. He continued to complain about his painful tooth. On October 15, 2018, Cook County collected a health service request form from the plaintiff complaining of dental pain rated "9." Cook County also collected another health service request form from the plaintiff on October 29, 2018 complaining of a toothache with a pain level of "8."

11. After reentering the Jail on June 26, 2018, the first time plaintiff was evaluated by a dentist is October 29, 2018. On this date, Dr. Brenda Taylor documented that plaintiff was in dental pain rated "8/10" and that tooth #18 needed to be extracted.

12. Following the October 28, 2018 evaluation by Dr. Taylor, the plaintiff continued to complain about a painful toothache and requested treatment by submitting health service request forms.

13. The plaintiff waited until February 4, 2019 to have Dr. Rhay Street extract tooth #18.

14. While the plaintiff waited for treatment he suffered significant pain.

15. There are six dental clinics at the Cook County Jail. Defendants are aware from *Smentek v. Sheriff of Cook County*, 09-cv-529, that seven dentists are necessary to adequately staff the dental clinics.

16. Since at least July 3, 2018, defendants have been on notice that the Jail is not adequately staffed with dentists to treat urgent dental complaints. On this date Dr. Fauzia Khan, a dentist assigned to the Jail, e-mailed Dr. Jorelle Alexander, the Director of Oral Health for Cook County, "If there is a huge demand for care here in Div 8 with only 1 dr and 1 asst and scheduled allotted days for the divisions; then realistically, how can the standard of care be provided in a timely manner ?? It's impossible."

17. After Dr. Khan sent this e-mail, two dentists have stopped working at the Jail leaving the Division 6 and Division 5 dental clinics without an assigned dentist. The shortage of dentists at the Jail causes all inmates to be deprived timely access to care.

18. In addition to gross deficiencies in staffing, at all times relevant there have been systemic deficiencies with the scheduling of inmates for dental appointments that render dental treatment constitutionally inadequate for all inmates with serious dental ailments. Each clinic's dental assistant has complete responsibility to schedule patients for treatment. The dental assistants have no oversight by the clinic's assigned dentist. Routinely, the dental assistants refuse to schedule patients, tell the correctional staff not to bring patients to the clinic, and dictate to the dentist which patients will be treated. It

is documented that dental assistants are verbally abusive to staff and even threaten dentists with physical force.

19. Since at least July 27, 2017, defendants have been on notice the scheduling practices, particularly delegating scheduling decisions to dental assistants, are a barrier to timely care. In an e-mail, Dr. Fauzia Khan acknowledged to Dr. Jorelle Alexander that dental assistants control scheduling, explaining that she has “never ever interfered or given input with scheduling requests. I was told that the assistants had full autonomy over the scheduling and I went along with it.”

20. Defendants Dart and Cook County are aware that hundreds of patients at the Jail suffer gratuitous dental pain because there are insufficient dentists to treat the demand and because of the policy to delegate scheduling responsibility to the dental assistant.

21. As a direct and proximate result of defendants’ failure to correct this obvious defect in the policy of scheduling patients for dental care and the inadequate staffing, plaintiff experienced gratuitous pain and incurred personal injuries and was deprived of rights secured by the Fourth and Fourteenth Amendments to the Constitution of the United States.

22. Plaintiff demands trial by jury on his claim for damages.

It is therefore respectfully requested that the Court award appropriate compensatory damages against defendants, and that the costs of this action, including attorney's fees, be taxed against Cook County.

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